



General Assembly

Distr.
LIMITED

A/C.3/51/L.48
21 November 1996
ENGLISH
ORIGINAL: FRENCH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia
and Herzegovina, Bulgaria, Cambodia, Canada, Central African
Republic, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech
Republic, Denmark, Estonia, Finland, France, Germany, Greece,
Guinea, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein,
Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland,
Portugal, Republic of Moldova, Romania, Senegal, Slovakia,
Slovenia, South Africa, Spain, Sweden and United Kingdom of Great
Britain and Northern Ireland: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolutions 46/125 of 17 December 1991, 47/132 of 18 December 1992 and 49/193 of 23 December 1994 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,



Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances, the practice of a number of States can run counter to the Declaration,

Deeply concerned in particular by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of, and respect for, the Declaration on the Protection of All Persons from Enforced Disappearance and taking note in this regard of the report of the Secretary-General,¹

Bearing in mind Commission on Human Rights resolution 1996/30 of 19 April 1996,²

1. Reaffirms that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

4. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

¹ A/51/561.

² See E/1996/L.18; for the final text see Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

6. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;
7. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages;
8. Notes the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;
9. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;
10. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and in this regard to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;
11. Furthermore encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;
12. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;
13. Appeals to the Governments concerned, particularly those that have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;
14. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;
15. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;
16. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its

recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-third session;

17. Renews its requests to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially in carrying out missions and following them up;

18. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

19. Also requests the Secretary-General to submit to it at its fifty-third session a report on the steps taken to implement the present resolution;

20. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".



General Assembly

Distr.
LIMITED

A/C.3/51/L.48/Rev.1
25 November 1996
ENGLISH
ORIGINAL: FRENCH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cambodia, Canada, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guinea, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Togo and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolutions 46/125 of 17 December 1991, 47/132 of 18 December 1992 and 49/193 of 23 December 1994 on the question of enforced or involuntary disappearances,

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.



Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances, the practice of a number of States can run counter to the Declaration,

Deeply concerned in particular by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of, and respect for, the Declaration on the Protection of All Persons from Enforced Disappearance, and taking note in this regard of the report of the Secretary-General,³

Bearing in mind Commission on Human Rights resolution 1996/30 of 19 April 1996,⁴

1. Reaffirms that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

³ A/51/561.

⁴ See E/1996/L.18; for the final text see Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

5. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

6. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages;

8. Notes the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

9. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

10. Requests the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

11. Recalls that the primary role of the Working Group, as described in its reports, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether such information falls under its mandate and contains the required elements, and invites it to continue to seek the views and comments of all concerned, including Member States, in preparing its report;

12. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and in this regard to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

13. Furthermore encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;

14. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

15. Appeals to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

16. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

17. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

18. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-third session;

19. Renews its requests to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially in carrying out missions and following them up;

20. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

21. Also requests the Secretary-General to submit to it at its fifty-third session a report on the steps taken to implement the present resolution;

22. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-third session under the item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".



General Assembly

Distr.
LIMITED

A/C.3/51/L.49
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND
REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairperson

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights,² and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949³ and the Additional Protocols thereto, of 1977,⁴

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,⁵ the International Covenant on Civil

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ United Nations, Treaty Series, vol. 75, Nos. 970-973.

⁴ Ibid., vol. 1125, Nos. 17512 and 17513.

⁵ Resolution 260 A (III).



and Political Rights,² the International Covenant on Economic, Social and Cultural Rights,² the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment⁶ and the Convention on the Rights of the Child,⁷ and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,⁸

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan⁹ and of the conclusions and recommendations contained therein;
2. Expresses concern at the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion, expression and association;
3. Expresses its deep concern at the intensification of armed hostilities in Afghanistan, and calls on all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation;
4. Calls on all the Afghan parties fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, and in particular the right to life, liberty and security of person, and freedom of opinion and expression;
5. Urges all the Afghan parties fully to respect accepted humanitarian rules and act in accordance with all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in social, political and cultural life throughout the country;
6. Deeply deplores the grave deterioration of the human rights of women noted by the Special Rapporteur in his report, and urges the Afghan authorities immediately to restore respect for all human rights of women, including the right of women to work and the right of girls to education without

⁶ Resolution 39/46, annex.

⁷ Resolution 44/25, annex.

⁸ Resolution 38/180, annex.

⁹ A/51/481.

discrimination, and calls upon Afghanistan to ratify the Convention on the Elimination of Discrimination against Women, to which it is a signatory;

7. Urges all the Afghan parties to work closely with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the peoples of Afghanistan;

8. Demands that all Afghan parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

9. Strongly urges all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

10. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Mohammed Najibullah, and of his brother, and their subsequent summary execution;

11. Urges the Afghan authorities to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

12. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

13. Appeals to Member States and to the international community to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, pending, and with a view to encouraging, their voluntary repatriation;

14. Urges the authorities in Afghanistan to continue to extend their cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

16. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-second session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.



General Assembly

Distr.
LIMITED

A/C.3/51/L.50
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Afghanistan, Albania, Azerbaijan, Bangladesh, Bolivia, Bosnia
and Herzegovina, Bulgaria, Colombia, Ecuador, El Salvador, Fiji,
Georgia, Guatemala, Guyana, Honduras, India, Israel, Kyrgyzstan,
Madagascar, Morocco, Mozambique, Panama, Peru, Poland, Republic
of Korea, Romania, Russian Federation, Samoa, Slovenia, the former
Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine,
Uruguay and Venezuela: draft resolution

Follow-up to the United Nations Year for Tolerance

The General Assembly,

Recalling its resolutions 47/124 of 18 December 1992, 48/126 of
20 December 1993 and 49/213 of 23 December 1994 by which it proclaimed and
supported the United Nations Year for Tolerance,

Recalling also that the Charter of the United Nations affirms in its
preamble that to practice tolerance is one of the principles to be applied to
attain the ends pursued by the United Nations of preventing war and maintaining
peace,

Stressing that one of the purposes of the United Nations as set forth in
the Charter is the achievement of international cooperation in solving
international problems of an economic, social, cultural or humanitarian
character and in promoting and encouraging respect for human rights and for
fundamental freedoms for all without distinction as to race, sex, language or
religion,

Bearing in mind the Universal Declaration of Human Rights,¹ the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,² and the International Covenants on Human Rights,³

Reconfirming that tolerance is the sound foundation of any civil society and of peace,

Taking note of the note by the Secretary-General⁴ transmitting the final report on the United Nations Year for Tolerance, including the Declaration of Principles on Tolerance and Follow-up Plan of Action for the United Nations Year for Tolerance, submitted to him by the United Nations Educational, Scientific and Cultural Organization as requested by the General Assembly in its resolution 49/213,

Taking note also of resolution 28 C/5.6 of the General Conference of the United Nations Educational, Scientific and Cultural Organization,

1. Welcomes the role played by the United Nations Educational, Scientific and Cultural Organization in the preparation for and implementation of the United Nations Year for Tolerance;

2. Takes note of the Declaration of Principles on Tolerance and Follow-up Plan of Action for the United Nations Year for Tolerance, adopted by the States Members of the United Nations Educational, Scientific and Cultural Organization on 16 November 1995;⁴

3. Expresses its appreciation for the contribution of the regional conferences on tolerance and other relevant activities organized during the Year at Rio de Janeiro, Brazil; Seoul; Sienna, Italy; Carthage, Tunisia; New Delhi; Moscow and Yakutsk, Russian Federation; T'bilisi; and Istanbul, Turkey, to the Declaration of Principles and Follow-up Plan of Action for the promotion of tolerance;

4. Invites the United Nations Educational, Scientific and Cultural Organization to take appropriate initiatives, including holding regional meetings, to assure the follow-up and implementation of the outcome of the regional conferences organized during the International Year for Tolerance and to promote further the spirit instigated by those conferences;

5. Invites Member States to consider applying the Declaration of Principles at the national level and to continue to undertake public information campaigns in connection with the Follow-up Plan of Action aimed at the realization of more tolerant societies;

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.

³ Resolution 2200 A (XXI).

⁴ A/51/201.

6. Invites Member States to observe the International Day for Tolerance annually on 16 November with appropriate activities directed towards both educational establishments and the wider public;

7. Encourages the United Nations Educational, Scientific and Cultural Organization to continue its activities aimed at reinforcing the struggle against the rise of intolerance;

8. Recommends that interested intergovernmental and non-governmental organizations and specialized agencies exert efforts in their respective fields to contribute to the long-term follow-up programme for the Year, including celebration of the International Day for Tolerance, and to consider what further contributions they can make to implement and disseminate the standards affirmed in the Declaration of Principles;

9. Requests the United Nations Educational, Scientific and Cultural Organization to continue to coordinate actions in support of tolerance promotion and education in partnership with other United Nations agencies and regional, intergovernmental and non-governmental organizations, to make reports available to the General Assembly on a biennial basis on the implementation of the Declaration of Principles of Tolerance and Follow-up Plan of Action for the United Nations Year for Tolerance;

10. Invites the United Nations Educational, Scientific and Cultural Organization to consider, at an appropriate time, the possibility of organizing an international conference to inform and mobilize public opinion, as well as the United Nations system, in this regard;

11. Decides to consider the question of the follow-up to the United Nations Year for Tolerance at its fifty-third session.



General Assembly

Distr.
LIMITED

A/C.3/51/L.51
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Programme budget implications of draft resolution A/C.3/51/L.39

Statement submitted by the Secretary-General in accordance with
rule 153 of the rules of procedure of the General Assembly

1. Under the terms of operative paragraphs 2 and 3 of draft resolution A/C.3/51/L.39, the General Assembly would:

(a) Reiterate the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out its mandates efficiently, effectively and expeditiously;

(b) Request the Secretary-General to make available additional human and financial resources, from within the overall regular budget of the United Nations, and to enhance the capability of the United Nations High Commissioner for Human Rights and the Centre for Human Rights to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;

2. The responsibility for determining the level and allocation of resources under the programme budget is within the purview of the Fifth Committee of the General Assembly, in accordance with the rules of procedure of the Assembly and



the existing budgetary process established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987. The Assembly reconfirmed this responsibility in its resolution 45/248 B of 21 December 1990, section VI, whereby it: (a) reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters; (b) reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions; (c) expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and (d) invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

3. In adopting the programme budget for 1996-1997, the General Assembly decided that the amounts under expenditure sections represented a provisional total of \$2,712,265,200, and that the projected level of savings to be achieved during the biennium would be \$103,991,200. The Assembly further decided that the total level of expenditures provided for in 1996-1997 would be \$2,608,274,000.

4. The Secretary-General has submitted to the General Assembly a report identifying the reductions required to bring the level of the 1996-1997 programme budget to \$2.608 million (A/C.5/50/57/Add.1). That report is currently under consideration by the Fifth Committee, which will decide on the allocation of the reduction required among the various sections of the programme budget.



General Assembly

Distr.
LIMITED

A/C.3/51/L.52
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Angola, Argentina, Australia, Austria, Bolivia, Botswana, Brazil,
Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte
d'Ivoire, Czech Republic, Dominican Republic, Ecuador,
El Salvador, France, Germany, Greece, Guatemala, Guinea-Bissau,
Honduras, India, Israel, Italy, Monaco, Namibia, Nicaragua,
Norway, Panama, Paraguay, Peru, Portugal, Republic of Korea,
Republic of Moldova, Romania, South Africa, Spain, the former
Yugoslav Republic of Macedonia, United States of America, Uruguay
and Venezuela: draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights,¹ Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

¹ Resolution 217 A (III).



Convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing through the Centre and other appropriate institutions advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,²

Recognizing that the High Commissioner/Centre for Human Rights remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law,

Recalling also its resolution 50/179 of 22 December 1995, and Commission on Human Rights resolution 1996/56 of 19 April 1996,³

1. Takes note with satisfaction of the report of the Secretary-General;⁴
2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;
3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;
4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

² A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

³ Official Records of the Economic and Social Council, 1996, Supplément No. 3 (E/1996/23), chap. II, sect. A.

⁴ A/51/555.

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

7. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

8. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

10. Takes note with appreciation of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes, in order to analyse means, modalities, financing and allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.



General Assembly

Distr.
LIMITED

A/C.3/51/L.53
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Barbados, Belgium,
Bulgaria, Canada, Czech Republic, Denmark, Ecuador, Finland,
France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan,
Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Samoa,
San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden,
United Kingdom of Great Britain and Northern Ireland and
Uruguay: draft resolution

Situation of human rights in Nigeria

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights,² the Vienna Declaration and Programme of Action³ and other human rights instruments,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993
(A/CONF.157/24 (Part I)), chap. III.

Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,⁴

Recalling its resolution 50/199 of 22 December 1995 and Commission on Human Rights resolution 1996/79 of 23 April 1996 on the situation of human rights in Nigeria,

Deeply concerned about the human rights situation in Nigeria and the suffering caused thereby to the people of Nigeria,

Expressing concern that the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms, and recalling in this regard the popular support for democratic government as evidenced in the 1993 elections,

Recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and to subordinate the military to civilian authority,

Strongly disappointed that only limited action in this regard has followed, and regretting that political associations have been instructed to disband, while noting the recent registration of five political parties,

Welcoming the report of the mission sent to Nigeria by the Secretary-General pursuant to General Assembly resolution 50/199, and noting the interim response of the Government of Nigeria to that mission,

Welcoming also the resumption of dialogue between Nigeria and the Commonwealth,

Taking note with appreciation of the joint interim report of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,⁵

Noting with deep concern reports of grave violations of human rights, including extrajudicial summary or arbitrary executions and arbitrary detention, failure to respect due process of law and excessive use of force against demonstrators, as described in, inter alia, reports submitted by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Stressing the importance of the mandate of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to

⁴ Resolution 2106 A (XX), annex.

⁵ A/51/538, annex.

Nigeria, as requested by the Commission on Human Rights in its resolution 1996/79,

Noting with alarm that persons in detention in Nigeria continue to face a flawed judicial process, and recalling in this regard the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, in particular by releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;
2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with the international human rights instruments to which Nigeria is a party;
3. Also calls upon the Government of Nigeria to implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;
4. Welcomes the intention of the Secretary-General to pursue his mandate of good offices;
5. Urges the Government of Nigeria to cooperate fully with the relevant mechanisms of the Commission on Human Rights;
6. Regrets that the Government of Nigeria has not enabled the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly, and urges the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights;
7. Calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights² and other human rights instruments, including the African Charter of Human and Peoples' Rights, adopted by the 18th Conference of Heads of State and Government of the Organization of African Unity at Nairobi on 28 June 1981;⁶
8. Notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;⁷

⁶ HR/PUB/90/1, p. 21.

⁷ CCPR/C/79/Add.65.

9. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take immediate and concrete steps to restore democratic government;

10. Decides to consider the situation of human rights in Nigeria at its fifty-second session under the item entitled "Human rights questions".



General Assembly

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THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Bangladesh, Bolivia, Brazil, Chile,
Colombia, Costa Rica, Côte d'Ivoire, Cuba, Denmark,
Dominican Republic, Ecuador, El Salvador, France, Guatemala,
Guinea-Bissau, Honduras, India, Israel, Malaysia, Mexico,
Morocco, Netherlands, Nicaragua, Panama, Paraguay, Peru,
Philippines, Spain, Turkey, Uruguay and Venezuela: draft
resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights,² the International Covenant on Economic, Social and Cultural Rights³ and other human rights instruments adopted by the United Nations,

Considering the relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights³ and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development,⁴

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ A/CONF.157/24 (Part I), chap. III.

⁴ A/CONF.166/9, chap. I, resolution 1, annexes I and II.



Recalling its resolutions 44/148 of 15 December 1989, 44/212 of 22 December 1989, 45/199 of 21 December 1990, 49/179 of 23 December 1994 and other relevant resolutions,

Recalling also its resolutions 47/196 of 22 December 1992, by which it declared 17 October International Day for the Eradication of Poverty, 48/183 of 21 December 1993, by which it proclaimed 1996 International Year for the Eradication of Poverty, and 50/107 of 20 December 1995, by which it proclaimed the United Nations Decade for the Eradication of Poverty (1997-2006),

Bearing in mind Commission on Human Rights resolutions 1992/11 of 21 February 1992, 1993/13 of 26 February 1993, 1994/12 of 25 February 1994, 1995/16 of 24 February 1995 and 1996/10 of 11 April 1996, as well as resolution 1996/23 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 47/134 of 18 December 1992, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

Recognizing that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right of life,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Welcoming the work of the Special Rapporteur on the question of human rights and extreme poverty, and taking into account his final report on human rights and extreme poverty,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;
2. Reaffirms also that, in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in the communities in which they live, in the promotion of human rights and in efforts to combat extreme poverty;
3. Notes with satisfaction that the Special Rapporteur, in the process of preparing his final report, has implemented the recommendations of the Commission on Human Rights by paying special attention to the efforts by the

poorest themselves and the conditions in which they can convey their experiences;

4. Again calls upon States, the specialized agencies, United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem and to the necessary follow-up to the recommendations of the Special Rapporteur as contained in his final report;

5. Invites the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to give appropriate attention to the question of human rights and extreme poverty;

6. Notes with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urges them to continue in this work;

7. Decides to consider this question further at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".



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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Antigua and Barbuda, Argentina, Australia, Bahamas,
Barbados, Belize, Bolivia, Brazil, Canada, Chad, Chile,
Colombia, Congo, Costa Rica, Cuba, Denmark, Dominican
Republic, Ecuador, El Salvador, France, Georgia, Greece,
Guatemala, Guyana, Haiti, Honduras, Hungary, Israel, Italy,
Jamaica, Japan, Monaco, Nicaragua, Norway, Panama, Paraguay,
Peru, Republic of Moldova, Saint Lucia, Saint Vincent and
the Grenadines, Spain, Suriname, Sweden, Trinidad and
Tobago, United States of America, Uruguay and Venezuela:
draft resolution

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights¹ and the International Covenants on Human Rights,²

Recalling its resolution 50/196 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/58 of 19 April 1996,

Taking into account the report of the independent expert of the Commission on Human Rights, Mr. Adama Dieng,³ appointed to assist the Government of Haiti

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ E/CN.4/1996/94.



in the area of human rights, to consider the development of the human rights situation in that country and to verify compliance by it with its obligations in that field, and the recommendations contained in that report,

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti and the National Commission for Truth and Justice in the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly in its resolution 50/86 C of 29 August 1996 of the mandate of the International Civilian Mission to Haiti,

Welcoming also the improvements in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing concern at the increase in common crime, and noting the continuing need for technical training of the Haitian National Police and for strengthening of the judicial system,

Expressing its satisfaction with the invitation to visit the country extended by the Government of Haiti to the Special Rapporteur on violence against women,

Considering the request of the Government of Haiti for technical assistance and advisory services in the field of human rights addressed to the Centre for Human Rights of the Secretariat,

1. Expresses its thanks to the Secretary-General and his Special Representative for Haiti for their efforts in favour of the consolidation of democratic institutions in Haiti and the respect of human rights in that country;
2. Welcomes the satisfactory evolution of the political process in Haiti and the holding of presidential elections on 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents;
3. Takes note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti³ and the conclusions and recommendations contained therein;
4. Expresses its concern about recent and other persistent security challenges to Haitian society caused, inter alia, by difficult economic and social conditions, which threaten progress in the field of human rights and democratic stability in the country;
5. Welcomes the report of the National Commission for Truth and Justice, as well as reports by the International Civilian Mission in Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti to undertake appropriate follow-up action on the

recommendations contained in these reports, with the support of the international community;

6. Supports the Government of Haiti's ongoing process of reform of the judicial system, including instructions in international human rights law and human rights;

7. Requests the international community, including the United Nations Development Programme, to continue providing funds for the reform of the judicial system and those activities which contribute to the social and economic development of Haitian society;

8. Encourages the international community to contribute generously to the Trust Fund for the Haitian National Police, which will be needed to respond to the request of the Government of Haiti for a technical adviser programme;

9. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights of the Secretariat aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the General Assembly at its fifty-second session;

10. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti;

11. Invites the Special Rapporteur on violence against women to consider favourably the invitation to visit the country with the support of the United Nations Population Fund, extended to him by the Government of Haiti;

12. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-second session.
